

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

THE CONSTRUCTION INDUSTRY)	
RETIREMENT FUND OF ROCKFORD,)	
ILLINOIS and THE CONSTRUCTION)	
INDUSTRY WELFARE FUND OF)	
ROCKFORD, ILLINOIS,)	District Judge: Frederick J. Kapala
)	
Plaintiffs,)	Magistrate Judge: P. Michael Mahoney
)	
vs.)	Case No. 12-cv-50156
)	
BRICK AND BLOCK CONSTRUCTION,)	
INC., an Illinois corporation, and BRITT)	
M. BAKER, individually,)	
)	
Defendants.)	

**MOTION FOR ENTRY OF DEFAULT
JUDGMENT IN A SUM CERTAIN**

Plaintiffs, THE CONSTRUCTION INDUSTRY RETIREMENT FUND OF ROCKFORD, ILLINOIS and THE CONSTRUCTION INDUSTRY WELFARE FUND OF ROCKFORD, ILLINOIS (hereinafter referred to as "plaintiffs" or "the Funds"), for their Motion for Entry of Default Judgment in a Sum Certain against Defendants, BRICK AND BLOCK CONSTRUCTION, INC., and BRITT M. BAKER, individually, plaintiffs state as follows:

1. Plaintiffs filed a complaint in this matter on May 5, 2012.(Dkt # 2).
2. Defendant, Britt M. Baker, was served with the complaint and Summons on May 16, 2012, making his responsive pleading due no later than June 6, 2012. (Dkt #8).
3. Defendant, Brick and Block construction, Inc., was served with the complaint and Summons on May 16, 2012, making its responsive pleading due no later than June 6, 2012. (Dkt. #9).
4. To date, defendants have not had an appearance filed on their behalf or filed any form of responsive pleading.

5. On July 6, 2012, the District Court entered an Order finding defendants in default for failing to file a responsive pleading.

6. Pursuant to the complaint, defendants are liable for unpaid contributions to the Funds and late fees which were accrued in April 2007 and intermittently thereafter, pursuant to the collective bargaining agreement and subsequent trust agreements to which defendants are bound.

7. According to the Affidavit of Shelli McPeck on behalf of the Funds, attached hereto as Exhibit A, defendants are liable for \$13,900.00 in unpaid contributions and liquidated damages and \$750.00 for audit fees, all of which are recoverable under the applicable agreements.

8. The Declaration Regarding Attorney's Fees, attached as Exhibit B, indicates that an additional \$7,662.43 is due and owing for the costs and attorneys fees incurred in pursuing this case against defendants, the recovery of which is provided for in the applicable agreements.

9. Based upon the forgoing, a default judgment should enter under Rule 55(b) in the amount of **\$22,312.43** (\$13,900.00 in unpaid contributions, liquidated damages, and \$750.00 for audit costs , plus \$7,662.43 in attorney's fees and costs = \$22,312.43).

WHEREFORE, Plaintiffs respectfully move this Court for entry of a default judgment against defendants, Britt M. Baker and Brick and Block Construction, Inc., in the amount of \$22,312.43.

THE CONSTRUCTION INDUSTRY WELFARE
FUND OF ROCKFORD, ILLINOIS; THE
CONSTRUCTION INDUSTRY RETIREMENT
FUND OF ROCKFORD, ILLINOIS, Plaintiffs,
By: WILLIAMSMcCARTHY, LLP

/s/ Troy E. Haggstad

Troy E. Haggstad (#06229384)
WILLIAMSMcCARTHY, LLP
120 West State Street, Suite 400
P.O. Box 219
Rockford, IL 61105-0219
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CERTIFICATE OF LAWYER AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1) On July 24, 2012, the foregoing document was electronically filed with the District Court Clerk via CM/ECF filing system; and

2) Pursuant to Rule 5 of the Federal Rules of Civil Procedure, the undersigned further certifies that on July 24, 2012, a copy of the foregoing document was sent to:

Mr. Britt M. Baker
132 Wright Lane
East Peoria, IL 61611

Brick and Block Construction, Inc.
c/o Mark McGrath, Registered Agent
113 South Main Street
Mackinaw, IL 61755

/s/ Troy E. Haggstad

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